

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

Claims 1 and 3-5 are pending in this application. Claim 1 has been amended. Claim 2 has been cancelled. Support for this amendment is provided throughout the Specification as originally filed, specifically at page 17. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

The Office Action indicated an objection to the title. The title has been amended from “Acoustic Apparatus” to “Apparatus for Adjustable Positioning of Virtual Sound Source.” Applicants have made such changes and therefore respectfully request that the objection to the title be withdrawn.

The Office Action indicated an objection to the specification because of an informality. Applicants have revised the specification to correct this matter and, therefore, respectfully request that the objection to the specification be withdrawn.

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,850,453 to Klayman et al. in view of U.S. Pub. No. 2001/0031054 to Grimani et al. and U.S. Patent No. 4,622,691 to Tokuma et al.

Independent claim 1, as amended, recites, *inter alia*:

“...wherein a cutoff frequency of the low pass filter means is selected to be not lower than 2kHz and not higher than 6kHz and attenuation of the first audio signal into the attenuator means is adjusted by the attenuator means that a listener who

intends to listen to reproduced sound obtained from the speaker means is able to recognize a virtual sound source position in front of and at a level higher than an actual position of the speaker portion...”

Applicants submit that the applied combination of Klayman, Grimani, and Tokuma does not disclose the above-identified features of claim 1. Therefore, independent claim 1 is believed to be distinguishable from the applied combination of Klayman, Grimani, and Tokuma.

Furthermore, applicants submit that claims 2 and 3 depend from amended independent claim 1 and are therefore distinguishable from the applied combination of Klayman, Grimani, and Tokuma for at least the above-identified reason.

Applicants therefore respectfully request that the rejection of claims 1-3 under 35 U.S.C. §103(a) be withdrawn.

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,850,453 to Klayman et al. in view of U.S. Pub. No. 2001/0031054 to Grimani et al., U.S. Patent No. 4,622,691 to Tokuma et al., well known prior art as applied above, and U.S. Pat. No. 6,108,430 to Kurisu.

Applicants submit that claims 4 and 5 are each dependent from independent claim 1 and are therefore believed distinguishable from the applied combination of Klayman, Grimani, and Tokuma for at least the reasons previously described. The examiner does not appear to have relied on Kurisu to overcome the above-identified deficiencies of Klayman, Grimani, and Tokuma. Therefore, Claims 4 and 5 are believed to be distinguishable from the applied combination of Klayman, Grimani, Tokuma, and Kurisu.

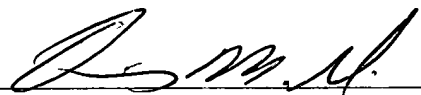
Applicants therefore respectfully request that the rejection of claims 4 and 5 under 35 U.S.C. §103(a) be withdrawn.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion or portions of the reference or references providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Dennis M. Smid
Reg. No. 34,930
(212) 588-0800